

105,970-

IN CHANCERY OF NEW JERSEY

Between

INV-Gibson-pl

FREDERICK KESSELRING,

Complainant,

On Petition for
Divorce

and

MARY KESSELRING,

Defendant.

To his Honor Alexander T. Mc Gill,

Chancellor of the State of New Jersey.

The petition of FREDERICK KESSELRING, of Stirling, in the County of Morris in the State of New Jersey, respectfully shows: That your petitioner was married to Mary Kesselring his present wife, in the City of Paterson, County of Passaic in this State, on the thirteenth day of August eighteen hundred and ninety, by Ferdinand Weiss, Esquire, one of the Justices of the Peace for the County of Passaic.

#2 That from the time of said marriage until the sixteenth day of February eighteen hundred and ninety-two, your petitioner and his said wife lived and kept house together in Paterson aforesaid, that on said last mentioned day they moved to Jersey City in the County of Hudson in this State; that on or about the thirteenth day of June eighteen hundred and ninety-four, on account of defendant's conduct they separated and your petitioner thereupon went back to Paterson aforesaid where he lived until the second day of May eighteen hundred and ninety-five, and then went to Stirling in the County of Morris in this State, living there until the eighth day of October eighteen hundred and ninety six and from there he returned to Jersey City aforesaid where he resided until

the twentieth day of February eighteen hundred and ninety-seven. On said last mentioned day your petitioner returned to Stirling aforesaid where he has since resided and now resides.

Your petitioner further shows, that during the months of October and November of the year eighteen hundred and ninety-six, and on divers day of each of said months the said defendant wickedly disregarding the solemnity of her vows and the sanctity of the married state committed adultery and lived in adultery at a certain house known by the street number 602 First Street in the City of Hoboken, in the County of Hudson, with a man commonly known by the name of Harry Ray and lived with him as his wife.

That for more than two years last past your petitioner has resided continuously in this State.

Your petitioner further shows, that there is no issue born of said marriage living and that he has not voluntarily cohabited with his said wife since the discovery by him of her said acts of adultery.

Your petitioner therefore prays, that he may be divorced from his said wife, for the cause aforesaid, according to the statute in such case made and provided, and may have such further or other relief as may be equitable and just.

John H. Bonn

Solicitor of Complainant

Jno. S. Mabon

Of Counsel.

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State of New Jersey)
County of Morris.) SS.

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FREDERICK KESSELRING, being duly sworn according to law says: that his complaint in the foregoing petition is not made by any collusion between him and the defendant in said petition for the purpose of dissolving their marriage, but in truth and good faith, for the causes set forth in the said petition.

Sworn and subscribed to before)
me at Stirling, Co. of Morris) Frederick Kesselring
this 15th day of March, A.D. 1897.)

Jos. A. Havey

J. P.

In Chancery of New Jersey

Between

FREDERICK KESSELRING,
Complainant

and

MARY KESSELRING,
Defendant.

On Petition &c.

John H. Bonn, Solicitor.

Filed Mar. 18, 1897.

John H. Bonn,
Attorney at Law,
144 Bergenline Ave.,
Town of Union, N. J.

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Between

FREDERICK KESSELRING,

Complainant,

and

MARY KESSELRING,

Defendant.

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The answer of Mary Kesselring to the bill of complaint of Frederick Kesselring, complainant.

This defendant for answer to said bill says, that it is true as stated in said bill that she was married to the complainant in the City of Paterson on the 13th day of August 1890; that she lived with complainant in Paterson until about February 16th, 1892, when they moved to Jersey City in the County of Hudson; that on the 13th day of June 1894 the complainant deserted this defendant and returned to Paterson and this defendant is informed and believes that he moved to Stirling and that his residence is now at that place; and this defendant denies that on divers days of October and November 1896 or at any other time she committed adultery or lived in adultery at 602 First Street in the City of Hoboken or elsewhere with one named Harry Ray or with any other person or persons whomsoever either in the City of Hoboken or elsewhere or that she lived with any such person as his wife, but she says that the charge of adultery made in the bill of complaint against her is wholly untrue and on the contrary avers that she has always since her marriage with the complainant, faithfully regarded her marriage vows, and this defendant humbly prays to be dismissed with

her reasonable costs and charges in this behalf wrongfully sustained.

And this defendant by way of cross-bill exhibited against the complainant, says that she was married to the complainant in the City of Paterson on the 13th day of August A. D. 1890 and her maiden name was Mary Eistleitner; ever since the marriage her husband has treated her with cruelty, has repeatedly beaten her and at times has carried his violence so far as to imperil her life; he has been and is grossly intemperate and for most of the time has not supported her, but frequently since the marriage he has been idle and she has gone out to service and has supported both herself and him from her wages.

On the 14th day of June A. D. 1894, while living in Jersey City, after repeated acts of violence he pointed a gun at her and threatened to shoot her and she fled in fear of her life to the house of her father in the City of Hoboken; on the evening of the same day she returned home and found that he had gone away taking all his clothing. She next saw him about two weeks later in the City of Paterson and asked him to come home but he refused to do so and ordered her to leave the house where he was staying. She returned to Jersey City on the same day and soon after being unable to pay rent was compelled to leave the house and returned to
live with her parents in Hoboken. She next saw her husband in Paterson in the summer of 1895 when she went to see him at the mill where he was working but he treated her brutally and threatened her life and would make no provision for her,

and she returned to Hoboken on the same day.

This defendant has never lived or cohabited with her husband since June 14th, 1894 and has thenceforth made her own living, never having during that time received any means whatever from him, and having no means of support except from her own labor.

During all this time the complainant has resided in the State of New Jersey as above set forth and this defendant has resided in Hoboken and in Jersey City except that during the year 1896 for some months she was employed and resided in the City of New York and she now resides with her father and mother in the City of Hoboken, New Jersey. And this defendant says that on the 14th day of June 1894 her husband deserted her as above set forth and that for more than two years last past he has wilfully, continually and obstinately deserted her, and during all that time has wholly neglected to make any provision for her support.

This defendant therefore respectfully prays that she may be divorced from her said husband; and that he may be compelled, by the order and decree of this honorable court, to provide for and support her, and that she may have such further or other relief as may be equitable and just.

Corbin & Corbin

Solr. & Counsel of Defendant.

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STATE OF NEW JERSEY)
COUNTY OF HUDSON) SS:

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MARY KESSELRING being
duly sworn on her oath says, that she is the defendant in
the foregoing answer named; that her complaint in the fore-
going answer by way of cross-bill is not made by any collusion
between her and the complainant in said answer for the pur-
pose of dissolving their marriage, but in truth and good
faith, for the causes set forth in the said answer.

Sworn and subscribed to at)

Jersey City this 1st day of)

May 1897 before me,) Mrs. Mary Kesselring

Charles B. Hughes

Master in Chancery of New Jersey.

In Chancery of New Jersey

Between

Frederick Kesselring,

Complainant

and

Mary Kesselring,

Defendant.

ON BILL &c.

ANSWER & CROSS-BILL

Solicitor.Corbin & Corbin,
Solicitors of Def't.

Filed May 3, 1897.

Between

FREDERICK KESSELRING,

Petitioner,

~~-Complainant,~~

By Petition.

Replication.

and

MARY KESSELRING,

Defendant.

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The replication of FREDERICK KESSELRING, petitioner to the answer of Mary Kesselring, defendant.

The petitioner joins issue on as much of the defendant's answer as is not in the nature of a cross-bill, and as to that part of said answer which is in the nature of a cross bill he says, that he denies that ever since his marriage with the defendant he has treated her with cruelty or that he has repeatedly beaten her and at times carried his violence so far as to imperil her life; he denies that he has been grossly intemperate and for most of the time has not supported her and frequently since the marriage been idle; or that the said defendant went out to service and supported this petitioner.

This petitioner further denies that on the fourteenth day of June A. D. 1894, while living in Jersey City, he committed repeated acts of violence, pointed a gun at the defendant and threatened to shoot her and that she fled in fear of her life to the house of her father in the City of Hoboken. He denies that on the evening of the same day the defendant returned home and found that he had gone away taking all his clothing. He admits that she saw him about two weeks later in the City of Paterson but denies that she asked

him to come home and that he ordered her to leave the house where he was staying. This petitioner admits that the defendant saw him in Paterson in the summer of 1895 at the mill where he was working but denies that he treated her brutally and threatend her life and would make no provision for her;

This petitioner admits that he has never lived or cohabited with the defendant since June 14th., A. D. 1894, but denies that during that time she has never received any means whatever from him. He further admits that during all this time he has resided in the State of New Jersey and that the defendant has resided in Hoboken and Jersey City, except that ^{and 1895} during the years of 1896/for some months she resided in the City of New York but he says that he has no knowledge as to where defendant now resides. And this petitioner further denies that on the fourteenth day of June A. D. 1894, he deserted said defendant and that for more than two years last past he has wilfully, continuedly and obstinately deserted her, and during all that time has wholly neglected to make any provision for her support; but on the contrary he says that from and about the time of their said marriage up to the said fourteenth day of June A. D. 1894, the said defendant was in the habit of leaving her husband and remaining away many hours at a time sometimes as long as three days, so that when he came home to get his dinner and supper she was away and he was compelled to cook for himself and that his clothes would remain unwashed so that on Sundays he had none to wear.

That such conduct continued up to June 13th., A. D. # 1894, on this day your petitioner returned from his work at twelve o'clock to get his dinner; the defendant was not at home; there was no dinner ready nor any evidence that there

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would be. When your petitioner returned from his work at six o'clock the defendant had not returned and had provided no supper for him. The defendant did not return until about one o'clock in the morning of the fourteenth day of June A.D. 1894 accompanied by a strange man. Your petitioner remonstrated with her for coming home at that hour with a strange man. She said it was a policeman; but your petitioner charges that this is not true. Your petitioner asked the man what he was doing around there and the man said he had nothing to do with him. The defendant thereupon left the house again and remained away all that night. Your petitioner went to his work on the morning of the fourteenth day of June but returned home about nine o'clock and the defendant was there then. The conduct of the defendant by this time became so unbearable to your petitioner that by reason thereof he was obliged to seek another residence in the City of Paterson which he did on the fourteenth day of June A. D. 1894, leaving the furniture with the defendant which she afterwards disposed of.

Your petitioner further says that the first time this defendant saw him in Paterson they had little or no conversation together. She merely brought him some wash and offered him some money which she had realized from the sale of the aforesaid furniture and her chickens, which he refused to take. On their second meeting in Paterson your petitioner said he would take the defendant back if she would behave herself to which she replied "I think I'm better off alone" or words to that effect. She asked him for some money and # he gave her the sum of five dollars. Later while he was residing in Stirling she wrote him a letter asking to be taken back. He went to Jersey City and met the defendant and told

her he would take her back if she could conduct herself properly and it was understood between them that she was to come to Stirling the next day. He gave her some money and then returned to Stirling and had a room prepared for her at the hotel where he was boarding. But notwithstanding her promise she did not go to Stirling although your petitioner was ready and willing to receive her.

Your petitioner further says that he has always treated the defendant as a husband should treat his wife and always provided her with sufficient money and clothing as befitted their station in life, but that the defendant has not conducted herself as a wife should and that the charge of desertion is wholly untrue and he therefore prays that the cross-bill of the defendant may be dismissed with costs.

John H. Bonn

Solr. of Petitioner.

In Chancery of New Jersey

Between

FREDERICK KESSELRING,

^{-Complainant}
Petitioner,

and

MARY KESSELRING,

Defendant.

R E P L I C A T I O N .

John H. Bonn,

Solicitor.

Filed Jun. 22, 1897.

John H. Bonn,
Attorney at Law,
Hudson Trust and Savings
Institution,
Cor Spring St. and Hacken-
sack Plank Road,
West Hoboken, N. J.

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Between

Frederick Kesselring,

Complainant,
Petitioner,

Final Decree.

and

Mary Kesselring,

Defendant.

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This cause coming on to be heard at the October term, eighteen hundred and ninety-seven, of this court, in presence of John H. Bonn, of counsel with the petitioner and Corbin and Corbin, of counsel with the defendant; and the pleadings in the same having been read and testimony of witnesses having been taken and the arguments of the respective counsel having been duly heard and the court having duly considered the said pleadings, testimony and arguments; from all which it now appears satisfactorily to the Chancellor that the marriage between the petitioner, Frederick Kesselring, and the defendant, Mary Kesselring, was solemnized and took place in the State of New Jersey; and that the said petitioner was an actual resident of, and inhabitant in, this state at the time of the injury complained of, and at the time of exhibiting the said petition and that the defendant has been guilty of the crime of adultery charged against her. It is thereupon on this thirty first day of December eighteen hundred and ninety seven by this Honor, Alexander T. McGill Chancellor of the State of New Jersey, by virtue of the power and authority of this court, and of the acts of the legislature in such case made and provided, ordered, adjudged and decreed, that the said petitioner Frederick

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Kesselring and the said defendant Mary Kesselring, be divorced from the bond of matrimony for the cause aforesaid, and the marriage between them is hereby dissolved accordingly, and

the said parties, and each of them, are and is hereby freed and discharged from the obligations thereof.

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Respectfully advised

H. C. Pitney

Alex. T. McGill

V. C.

C.

In Chancery of New Jersey

Between

Frederick Kesselring,

~~Complainant~~
Petitioner,

and

Mary Kesselring,

Defendant.

Final Decree.

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Solicitor.

John H. Bonn
Solr. of Petitioner.

Filed Jan. 4, 1898.



I, THOMAS BARBER, Clerk of the Court
of Chancery of the State of New
Jersey, the same being a Court of
Record, do hereby certify that the
foregoing are true copies of the
Petition, filed March 18, 1897;
Answer and Cross-Bill, filed May 3,
1897; Replication, filed June 22,
1897; and Final Decree, filed January
4, 1898, in the cause wherein
Frederick Kesselring is petitioner,
and Mary Kesselring is defendant,
now on the files of my office.

IN TESTIMONY WHEREOF, I have hereto set my hand
and affixed the seal of said Court, at Trenton, this four-
teenth day of September, A. D. nineteen hundred and twenty-
six.

Thomas Barber

Clerk.

E.

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IN CHANCERY OF NEW JERSEY.

Between

FREDERICK KESSELRING,

Pet'r,

and

MARY KESSELRING,

Def't.

PETITION
ANSWER AND CROSS-BILL
REPLICATION
FINAL DECREE.

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